

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIA HIDALGO, ET AL.,

20-cv-98 (JGK)

Plaintiffs,

-against-

NEW YORK CITY
DEPARTMENT OF EDUCATION,

Defendant.

26/12 PROPOSED JUDGMENT

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 7/19/21

Plaintiffs Maria Hidalgo and Abundio Sanchez commenced the instant action on behalf of themselves and their daughter, L.S., against the New York City Department of Education (the “DOE”) under the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. § 1400, *et seq.* Plaintiffs’ Complaint was filed on January 6, 2020.

On November 10, 2020, Plaintiffs filed a Motion For Summary Judgment. (ECF No. 31). On March 12, 2021, Defendant filed a Cross-Motion for Summary Judgment. (ECF No. 41.) On July 7, 2021, the Court **denied** Defendant’s Cross-Motion for Summary Judgment (ECF No. 41) and **granted in part** Plaintiffs’ Motion for Summary Judgment. (ECF NO. 56.)

Accordingly, **IT IS HEREBY ORDERED, ADJUDGED, and DECREED:** That for the reasons stated in the Court’s Memorandum Opinion and Order dated July 7, 2021, Plaintiffs’ Motion for Summary Judgment is **GRANTED** in part and the DOE’s Motion for Summary Judgment is **DENIED**. The decision of State Review Officer Justyn P. Bates, dated September 5, 2019, is **VACATED** to the extent that the SRO denied an award of full tuition and costs at iBrain for the 2018-2019 school year;

IT IS FURTHER ORDERED, ADJUDGED, and DECREED: That the case is REMANDED to IHO Ajello for further proceedings consistent with the Court's July 7, 2021, Memorandum Opinion and Order.

Plaintiffs are to submit any motion for attorneys' fees, along with a Bill of Costs, within two weeks of the entry of final Judgment.

The Clerk of the Court is directed to enter Judgment in this matter as set forth above and close this case consistent herewith.

SO ORDERED.

Dated: New York, New York
July 19, 2021



John G. Koeltl
United States District Judge